

# Hazardous Mold Vs. Dirt/Nonhazardous Mold

## Introduction:

In this short paper I, **Employee**, will present two pictures, a picture of what looks to be mold and a picture that appears to be dirt. These pictures coincide with the timeline of events that transpired at a retail store. The picture of the vent is from a Staples store, and the picture of the dirt is from a construction site. The purpose of this piece is to determine why two parties had different evidence as to the classification of the substance on the vent. Staples Inc is led to believe that the black substance on the vent is “dirt” and “nonhazardous mold”. I believe there is hazardous mold. Questions of ethics and negligence come into play. There is an inconsistency in the classification of black substances from my findings and this corporation's findings. My hope is for whoever is reading to keep an open mind about the difference in opposing narratives that each party constructed in order to come to a just conclusion of this matter. For reference, Staples Inc was acquired by **Sycamore Partners** in 2017.

## Defining all parties involved:

Party 1- Employee- Has High School Diploma [will be referred to as **Dreamer**]

Party 2- Corporation - Staples Inc [will be referred to as **Eco**]

Party 3- Government Entity- Department of Labor OSHA [will be referred to as **OSHA**]

Party 4- Director of Safety- Oversees safety for all retail location [will be referred to as **Safe**]

Party 5- Third party mold testers and remediation contractors - First Onsite [will be referred to as **First**]

Party 6- Third party duct cleaners- Duct cleaners [will be referred to as **Duct**]

Party 7- Retail DIY mold testing company and testing lab - Tests mold [will be referred to as **Armor**]

Party 8- Reputable mold testing lab- EMSL Analytical Inc. [will be referred to as **EMSL**]

## Reasons for the conception of this paper:

**Eco** receives government subsidies for environmentally friendly initiatives in the form of property tax credits which are managed by **Sycamore Partners**. Unethical remediation of a serious hazard plus underreporting it can negatively affect the status of such subsidies.

**Dreamer** brought attention to an environmental hazard in **Eco's** retail environment which was not properly remediated. Three months have passed since initial reporting to the present day in which hazard still exists.

**Eco** and **Dreamer** conducted sampling of substances using different methods which yielded two polarizing results. Neither party considers each other's results as truth.

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## Image 1.

Unknown black substance with densely populated spores on vent in Staples.



## Image 2.

Dirt from a construction site



### Timeline of events:

**Dreamer** became an employee for **Eco** in 2021 and questioned the black substance on the vents. Management communicated that it was a known issue that repeatedly was diagnosed as dust by **Eco**. **Dreamer** accepted that as fact

under the guise that **Eco** could not possibly have ill intent towards the safety of the workers and customers.

**Dreamer** contacted **Eco** in December 2022 about the substance since an odor was noticeable where the vent was.

**Eco** contracted **First** to conduct testing of air quality using a physical and nonphysical means. **Dreamer** witnessed **First** climb a ladder to take a swab of visible growth. An air quality test was also used. The results came back as “inconclusive”.

**Eco** and **First** had no plans to retest the growth since many days went on without any followup. **Dreamer** felt this was unethical so they anonymously contacted **OSHA** about the matter in January 2023.

**Dreamer** communicated to **OSHA** that bias existed with testing in hopes that a proper investigation would be enforced since “dust” and “inconclusive” were diagnosed prior. However, **OSHA** did not open an investigation and allowed **Eco** to use **First** in conducting another test. **First** used another air quality test that yielded “nonhazardous mold” and “dirt”. **First** cleaned and repainted only one main segment of the vents.

**Dreamer** used sterile swabs to take samples from portions of vents that were not addressed properly in order to send one to **Armor**. Substance on the swab was transferred to a sealed

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easygel pretreated petri dish that contained potato dextrose . Sealed and labeled petri dish and swab were sent to **Armor**. Results from the lab report included 3 types of hazardous mold: *Rhodotorula spp.*, *Aspergillus spp.*, and *Cladosporium spp.* All of these molds are scientifically known to be hazardous. **Dreamer** communicated findings to **Eco** which yielded no cause for concern from them and no further action was taken. **Dreamer** communicated the findings to **OSHA** and the lack of action from **Eco**. **OSHA** did not open an investigation.

**Dreamer** tried contacting **Eco** and **First** in order to receive documentation of the chain of custodies for testing to better understand the results. Access was denied.

**Dreamer** filed a Freedom of Information Act to **OSHA** in regards to the mold situation for the sake of public safety.

**Dreamer** communicated to **Eco**, in March 2023, that mold is still present in and around other regions of vents since **First** failed to do a holistic analysis.

**Eco** had **Safe** host a conference call with **Dreamer** regarding the vent situation. **Safe** communicated that the vents were a known issue in December 2022 when **Dreamer** reported it. When questioned about the first “inconclusive” result and why another test was not swiftly conducted, **Safe** alleged that they had plans to retest even before **OSHA** got involved. **Safe** also said that no

swabs of growth were used in testing and that only nonphysical air tests were used despite **Dreamer** witnessing a swab test conducted by **First**. **Dreamer** warned **Safe** that underreporting a serious health hazard to a government entity and to its workers could affect the status of **Eco’s** government subsidies. **Safe** claimed that no environmental rules and regulations were violated.

**Eco** plans to use **First** and **Duct** to finish the rest of the cleaning under the diagnosis of “nonhazardous mold” and “dirt ”.

**Dreamer** plans to take another swab sample and register the chain of custody with **EMSL** to ensure that proper remediation takes place.

## Questions to consider:

When an “inconclusive” result was generated, why wasn’t the method of sampling switched to a more reliable test that can yield more insight such as a swab test of visible growth?

Nonphysical air quality tests are typically taken when there is a lack of visible growth. The vent had clear visible growth that a swab test can yield conclusive results.

Why did **OSHA** not properly investigate the testing and remediation of the growth when given documentation of biased testing? Imagine a business owner who understands the importance of rectifying potential hazardous substances in their environment.

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Wouldn't a contractor who underreports a serious health hazard to a business owner be a breach of contract? Wouldn't said business owner value a second opinion from a trusted source?

Why wasn't a chain of custody transparent for the workers in the environment? Could the potential of getting sued have implications that profits were put over people and their health?

Will the Clean Air Act and False Claims Act provide insight on the appropriate next steps?

## Conclusion:

Given the polarizing results that **Eco** presented, proper remediation by **First** and **Duct** is not possible. The underlying issue as to why the hazardous mold is present to begin with cannot possibly be addressed properly due to the polarizing diagnosis of substance since conception. Cracking down on corporate negligence and this human rights issue will be beneficial for the safety of the workers and customers in this environment. This will also shed light to underlying issues that society sweeps under the rug. All it takes is passion, and I will not rest until justice is exacted upon the aggressors. Workers deserve to breathe clean air while they work under the Clean Air Act. Will you join the cause? A member of congress and his constituents are reviewing my intel.

